

Application No.: 09/955,223Docket No.: 30001070-2 US (1509-218)**REMARKS**

The Final Office Action of February 17, 2006 has been thoroughly studied.

A Request for Continued Examination (RCE) is concurrently being filed to clarify the claims, provide applicants with the protection to which they are deemed entitled, and to cancel claims 99, 109 and 118 that Applicants opine do not add anything of significance to claims 90, 108 and 117, upon which the cancelled claims depended.

The Final Rejection states claims 90, 92, 94, 07, 101, 103, 105-017, 110, 112 and 114-116 are rejected as being unpatentable over Johnston et al. U.S. Patent 5,448,639, and that claims 91, 93, 98-100, 104, 108, 109 and 111 are rejected as being unpatentable over Johnston et al., U.S. Patent 5,287,418, and secondary references. However, U.S. Patent 5,448,639 is in the name of Arazi.

While the '639 reference is concerned with digital signatures, it appears to be otherwise unrelated to Applicants claims. Presumably, the Office Action meant to refer to Johnston et al., U.S. Patent 5,287,478, previously of record in the present application. However, Applicants are not positive that this is the case because the Office Action infers that Johnston et al. discloses repositioning at column 9, lines 25-40; column 8, lines 40-44; column 8, lines 54-62; column 10, lines 51-59; column 9, lines 14 and 15; column 5, lines 44-54; column 10, lines 48,55 and column 9, lines 27. Applicants have considered these passages and find mention of the repositioning only at column 9, line 14 that indicates during high speeds tape transports the desired tape position likely will be passed, and the tape is repositioned at the desired tape position after the tape stops. The word "reposition" in this context refers to returning the tape to the desired position after the tape overshoot its desired position due to the high speed tape transport.

Column 8, lines 40-44 has nothing to do with repositioning the tape because it merely indicates the tape has "the types of motion states: tape, write data, and read data." Column 8, lines

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54-62 indicate the tape can be positioned at a location relative to the tape current position, or at an absolute tape position. Column 9, lines 26-40 indicates user data are written to one group at a time to a current tape position. If a user settable timer that starts to decrement after every SCSI write to a group reaches zero before the next SCSI write, this group is padded and written to tape. Column 10, lines 51-59 indicates that C1 ECC syndromes and checksum for a track that was just written are calculated to verify that the track has been properly written. It is not seen where these statements in Johnston et al. support the Examiner's position that Johnston et al. discloses issuing a further reposition command to the tape time so the tape is again repositioned after the data have been written to the tape. Claim 90, as amended, further requires the writing of the code into a memory in the tape cartridge to occur after the tape is again repositioned at the start of the data set.

The Office Action says column 11, lines 18-21 either discloses or makes obvious the requirement to increment a code counter indicating a count of the number of codes written into the memory. Column 11, lines 18-21 merely indicates subcode data and block IDs are written into memory space in the track and that the C1 ECC parity is appended to each track's data block pairs when the track is written. The Office Action assumes, without any disclosure in Johnston et al., that the CE blocks are sequential and that the Johnston et al. ID blocks indicate the number of codes written into the memory. There is nothing in Johnston et al. to indicate that ID blocks are written into a memory after the tape is again repositioned at the start of the data set. The claims now require the code to be written into a memory after the tape is again repositioned at the start of the data set.

Since claims 90, 101, and 110 include limitations not disclosed or made obvious by Johnston et al., and the remaining claims depend on claims 90, 101 and 110, and the secondary references do not cure the deficiencies in Johnston et al., allowance of claims 90-98, 100-108 and 110-123 is in order.

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New claims 124 and 125 are concerned with backing up data, while new claims 126-128 are concerned with data restoring, features not found in the art of record.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance is respectfully requested and deemed in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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